



STATEMENT OF

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BEFORE THE  
HOUSE COMMITTEE ON HOMELAND SECURITY

ON THE  
FASTER AND SMARTER FUNDING FOR  
FIRST RESPONDERS ACT

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Mr. Chairman, Mr. Ranking Member and distinguished members of the Committee.

It is a pleasure to appear here today on behalf General President Harold A. Schaitberger, and the 267,000 men and women of the IAFF. The IAFF is by far the largest fire service organization in the nation, whose members protect over 80 percent of the population. Proudly, we have members in all of the nation's 435 Congressional districts.

Before joining the IAFF, I spent 15 years as a fire fighter in Baltimore County, Maryland and had the opportunity to serve as President of the Baltimore County Fire Fighters Association and the Maryland Professional Fire Fighters. I also served as a Commissioner on the Maryland Fire Rescue Education and Training Commission, which promulgated standards and regulations concerning fire service training and requirements for Maryland's 35,000 professional and volunteer fire fighters. So while I speak for the IAFF, I also can appreciate from personal experience the enormous impact this committee will have on our nation's first responders—the men and women on the ground who work to protect the public on a daily basis.

Mr. Chairman, I do not have to spell out for you the problems that have occurred in the allocation of federal homeland security dollars. Your admonishments on this week's episode of 60 Minutes concerning misplaced priorities and pork spending were on target and we applaud your courage and honesty. The bottom line is that far too much of the money allocated by Congress never reaches the front line emergency responders, with funding lost in large state bureaucracies or, as former Secretary Ridge testified last year, "stuck in the pipeline." And money that does reach localities often goes to areas of questionable need. The Congressional Research Service found, for example, that Wyoming's FY 2005 allocation amounted to \$18 per person, while New York—arguably our nation's most at risk state—received \$2.57 per capita. It is a travesty that in the post 9/11 world budgetary woes have caused the New York Fire Department to close six engine companies.

We at the IAFF do not place blame on any particular department or public official for this; nor are we here to pit one state against another. After the tragedy of September 11, 2001, federal dollars were understandably appropriated quickly to help protect our homeland and it is little surprise that these funds were not always wisely spent. There were no analyses of threat; no real input from first responders on the ground; and no authorizing legislation in place.

The fault lies not with any particular federal agency, but rather with the lack of coordination and historic turf battles between levels of government—local, state and federal. Attaining efficient use of federal funding will require government officials at all levels to move beyond pre-September 11 mindsets and traditions, and require the active involvement of the first responder community.

Last year, as a Select Committee, this panel worked tirelessly to produce a reform bill that made its way through five different committees and incorporated the concerns of numerous outside organizations. The IAFF endorsed that legislation, and while we did not agree with every single provision in its final form, we embraced it as a great leap forward and a major improvement over the existing process of allocating funds.

The legislation has now been reintroduced in the 109<sup>th</sup> Congress as the Faster and Smarter Funding for First Responders Act, and we are pleased to once again stand with you, Mr. Chairman, in support of this effort to improve the distribution of this funding. We understand that changes to this legislation are likely to be necessary as it moves through the legislative process, and we look forward to continuing to work with you in the months ahead.

The following are some of the key elements that we believe must be embodied in the final package if we are to achieve our goal of smarter and faster funding.

### **All-Hazards Approach**

Underlying any discussion of emergency response and homeland security should be the recognition of the “all-hazards” approach used in the fire service. From the perspective of the first responder, the cause of an emergency incident is far less significant than the immediate threats to life, health and property. The initial response required to a disaster caused by natural phenomena or tragic accident differs little from the response to a terrorist attack. The best way to prepare emergency responders to respond to acts of terrorism is to prepare them to respond to any and all hazards. Efforts to restrict the federal government’s involvement in emergency response solely to acts of terrorism or to create arbitrary distinctions between “traditional” and newer fire service missions will ultimately prove counterproductive to the goal of protecting Americans.

Since 9/11 a multitude of studies including the Council on Foreign Relations, the USFA Assessment of Fire Service Needs, and others have accurately painted the needs and deficiencies that plague first responders in fire departments large and small, urban and rural. These deficiencies must be addressed as part of a comprehensive homeland security strategy.

### **Threat Based Funding**

The primary reason that much homeland security funding has been ill-spent is use of a distribution formula that is weighted too heavily toward rural areas, without sufficient consideration of need and threat. A key recommendation of the National Commission on Terrorist Attacks Upon the United States (more commonly known as the 9/11 Commission) was that federal homeland security assistance be distributed to state and local governments based on risk and vulnerability. Specifically, the Commission cited the need to assess risk and vulnerability by looking at such key issues as population, population density, vulnerability, and the presence of critical infrastructure within each state.

We believe the Faster and Smarter Funding for First Responders Act effectively addresses this essential goal. While we continue to support a reduction or elimination of state minimum allocations, we believe the legislative proposal represents an effective compromise with those who oppose moving to an entirely threat-based formula.

### **Essential Capabilities**

The IAFF has been an early and strong supporter of clearly defining essential capabilities for state and local government preparedness. The development of such capabilities is especially crucial in the fire service, which historically has lacked the sort of state-defined standards used in law enforcement, emergency medical care, and many other disciplines.

What it means to be a fire fighter or what fire departments should be capable of remain largely a matter of local custom and predilection. Industry consensus standards are completely voluntarily and too often ignored. As a result, there is wide disparity in fire department systems, structures, training requirements, etc.

In order to be sure that federal dollars are wisely spent, it will be necessary to define capabilities for fire departments that are specific, measurable and comprehensive. Above all, the capabilities must be the highest common denominator for our discipline. The standards should be demanding, and challenge our nation's fire departments to provide the kind of public safety protection that our citizens deserve. Frankly, we would be shortchanging the public and communities we serve if we were to implement capabilities standards that were inadequate or set arbitrarily low standards to ensure easier compliance.

We respect the rights of communities to make determinations for themselves regarding the level of fire protection they feel is appropriate, and we are not suggesting that such capabilities should be imposed as a federal mandate. But we are suggesting that any community seeking federal assistance must be willing to abide by realistic standards. We owe no less to our nation's taxpayers.

In order to ensure that the standards are specific and appropriate, it is crucial that first responders are actively involved in the development of these capabilities. The expertise of first responders in evaluating the relevance, success or shortcomings of the capabilities in real life emergency situations is invaluable. For this reason, we strongly endorse the Task Force on Essential Capabilities for First Responders envisioned in the Faster and Smarter Funding for First Responders Act. With a membership drawn from first responder groups, including the fire service, as well as experts in emergency health, state and local preparedness and standards-setting organizations, among others, the Task Force will likely serve as the one coordinated expert panel to help achieve concrete and workable capabilities.

We recognize that the Department of Homeland Security has been moving forward on its work to establish capabilities in connection with Homeland Security Presidential Directive 8 on domestic preparedness. The Department has issued a Targeted Capabilities List (TCL) and an Interim National Preparedness Goal to establish minimum capabilities and standards. While we are appreciative of the effort, we are disappointed with the results of their work to date. Too much emphasis has been placed on the need for flexibility, and too little attention paid to the perspectives of front line domestic defenders. The TCL in particular will have little practical effect. While the National Response Plan stresses the need for emergency incidents to "be handled at the lowest possible organizational and jurisdictional level," the capability definitions under the TCL do little to assure that local agencies are capable of fulfilling this essential function.

In order to address these shortcomings, the Task Force on Essential Capabilities for First Responders should be retained and exercise an active role in the federal agency's ongoing efforts to implement the National Preparedness Goal.

Finally, I wish to stress that meeting the essential capability benchmarks will require more than making compliance a condition of receiving federal funds. Localities throughout the nation must make a commitment to ensure that their fire departments have the resources they need to get the job done. Most significantly, critical staffing shortages in both career and volunteer fire departments are the leading obstacle to fulfilling our mission. As recent independent studies have highlighted, without sufficient personnel, fire departments are not able to respond to minor events, much less major emergencies.

While federal programs such as SAFER can play an important role, ultimately it is up to every Mayor and City Manager to ensure that fire departments have adequate staffing to protect the public.

### **National Incident Management System (NIMS)**

Any discussion of preparedness and capabilities must take into account the National Incident Management System (NIMS) which was issued on March 1, 2004 to provide a framework for entities at all jurisdictional levels to work together to manage domestic incidents. Effective incident command is the lynch pin of an effective, coordinated response to all emergencies. Moreover, it is critical to fire fighter health and safety. The National Institute for Occupational Safety and Health (NIOSH) has consistently identified lack of incident command systems as a leading cause of fatalities on the fire ground.

We, therefore, endorse the current policy of linking first responder funding to compliance with NIMS. We do not share the views of some other fire service organizations that advocate a delay in NIMS. While complying with NIMS is sure to present challenges for many fire departments, we believe the federal government must encourage our nation's fire departments to meet those challenges.

### **The Role of States**

The IAFF remains concerned about an over-reliance on state government as the conduit of emergency responder funding. Historically, states have had little involvement in the fire service, and to this day there is little fire service presence in many state capitals.

Because of this history and culture, providing funding to states presents obstacles in getting funding to local fire departments. Even in the post-September 11 world, we have witnessed examples of emergency responder funds in certain states going exclusively to local police departments because the Governor named the state police as the point of contact for all homeland security grants. Relying on their already established relationships, the state police simply doled out the federal funds to local police, leaving the fire service no better off than before.

While the IAFF would prefer a more direct funding stream directly to localities, we believe several provisions in the Faster and Smarter Funding for First Responders Act will help address the problem.

First, the legislation clearly identifies the percentage of funding that states must pass through to localities as well as the time frame for such pass through.

Second, the legislation contains a by-pass mechanism that localities and regions can use if states fail to abide by the pass-through requirements.

Third, the preservation of the Urban Area Security Initiative (UASI), subject to the requirements of the Faster and Smarter Funding for First Responders Act, will enable Congress to continue to send money directly to certain localities. We concur that UASI may be unneeded if states fully comply with the spirit and letter of this legislation, but we feel more secure knowing that the option of funding UASI is still available.

Finally, we strongly endorse maintaining as separate and distinct programs two grant programs that provide funding directly to fire departments. As long as the FIRE Act and SAFER continue to exist, subject to appropriations, America's fire service will receive federal assistance.

### **Accountability**

A key flaw in the current distribution system for homeland security funding is the lack of an effective accountability system at the federal level. States are required to submit plans, but there is little follow through to see if the funding is actually used to implement such plans. We encourage this Committee to work with the Department of Homeland Security to develop procedures to assure accountability of all federal dollars.

### **State Plans**

The adoption of State Plans is a critical component of this legislation, but the quality of state plans approved to date varies widely. We recommend that the Faster and Smarter Funding for First Responders Act be amended to require the involvement of front line fire service and other emergency response organizations in the development of state plans. It would be a mistake to presume that states would necessarily do this of their own volition, especially in regard to the fire service.

### **Voluntary Consensus Standards**

IAFF supports the inclusion of voluntary consensus standards for equipment and training for the basis of allocating funds under the bill. Under the Faster and Smarter Funding for First Responders Act, the Secretary must consult with public and private sector groups such as the National Fire Protection Association and other experts to develop, promulgate and regularly update national voluntary consensus standards. This is an important tenet to the bill and one that cannot be overstated. The voluntary consensus process is a method of developing standards, which is based on several key principles, including: openness, balance of interest, due process,

an appeals process and consensus. In this process, experts in given fields work together in developing standards that are subjected to a thorough review process involving a round of hearings, panel discussions and votes. The NFPA standards process even provides for the development of separate standards for career and volunteer fire departments, to account for differences in mission and scope of service. The process is likely to ensure quality and higher expectations at the local level. These provisions should be retained.

### **Backfill and Personnel Costs**

One of the challenges communities face in trying to take full advantage of this invaluable federal assistance is continuing their on-going emergency response activities while also training for enhanced capabilities. The fire service is not like many occupations in which a person who is receiving training can simply be away from their desk for a day. When a fire department assigns a fire fighter to attend a training, that fire fighter's position must be "backfilled" by another fire fighter. In most departments, that means paying overtime to a fire fighter who is being required to work an extra shift. This backfill cost can be prohibitive, and in some cases has forced fire departments to decline to receive ostensibly free training.

While the Department of Homeland Security has embraced the idea of allowing funding to be used for backfill costs, implementation of this policy has been inconsistent. We recommend that clear language be included in the Faster and Smarter Funding for First Responders Act to ensure that fire departments can seek reimbursement for overtime costs associated with DHS-funded training programs.

Additionally, while the primary purpose of first responder funding is to enhance training, equipment, and planning, there may be instances in which a local government's greatest need is for a full time position devoted to coordinating disaster response. The legislation should expressly allow for such uses in limited circumstances.

### **The Administration's Proposal**

The Administration's position on the allocation of first responder grants has evolved considerably over the past three years, and we are very supportive of the proposals contained in President Bush's FY '06 budget. We are especially appreciative of the Administration's support of a threat-based allocation formula and a reduced state minimum. Even the Administration's work to identify essential capabilities of emergency responders, while lacking in its specifics, is a well-intentioned first step. I am pleased to note that the Administration's proposal bears a striking resemblance to Faster and Smarter Funding for First Responders Act.

I raise this point in my testimony, Mr. Chairman, because I believe the dynamics facing the 109<sup>th</sup> Congress may be significantly different from those in the 108<sup>th</sup> Congress when you started on this effort. While we continue to support the concept of passing legislation to address the concerns with the first responder grant program, we are no longer of the view passing a bill—any bill—is necessarily preferable to the status quo.

If DHS is indeed able to move in the directions you have outlined, there may come a point in the legislative process that it would be preferable to allow DHS to make changes administratively rather than agree to a watered down compromise.

## **Conclusion**

Before ending my testimony, I would be remiss, Mr. Chairman, and Ranking Member Thompson, if I did not take a moment to pay tribute to both of you and your extraordinary staffs. Throughout the past two years, the IAFF has had the pleasure—and I do mean pleasure—of working closely with you on the development of this legislation. And while we have not always been in 100% agreement, you have always taken the time to seriously consider our views. You have made an arduous journey both productive and enjoyable, and we are deeply appreciative of your diligence, abiding commitment, and friendship.

I thank you for your attention to our views, and I would be happy to answer any questions you may have.